

AMENDED IN ASSEMBLY SEPTEMBER 4, 2003

**SENATE BILL**

**No. 644**

**Introduced by Senator Burton**

*(Principal coauthor: Assembly Member Negrete McLeod)*

February 21, 2003

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An act to amend Sections ~~45330, 45344.5, and 45361.5~~ 71000 and 71003 of the Education Code, relating to ~~paraprofessionals~~ community colleges.

LEGISLATIVE COUNSEL'S DIGEST

SB 644, as amended, Burton. ~~Paraprofessionals~~ Community colleges: Board of Governors of the California Community Colleges.

(1) Existing law establishes the Board of Governors of the California Community Colleges, which consists of 13 members appointed by the Governor with the advice and consent of 2/3 of the membership of the Senate, one voting and one nonvoting community college student appointed by the Governor, and 2 tenured community college faculty members appointed by the Governor.

This bill would revise the membership of the board of governors so that it would include 12 members appointed by the Governor with the advice and consent of 2/3 of the membership of the Senate. The bill would add to the board of governors one classified employee member, who would be appointed by the Governor for a 2-year term. The bill would require the Governor to appoint the classified employee member from a list of at least 3 persons furnished by the exclusive representatives of classified employees of the California Community Colleges.

(2) Existing law requires that any vacancy in an appointed position on the board of governors be filled by an appointment by the Governor,

and, except for the student members and faculty members, be confirmed by 2/3 of the membership of the Senate.

This bill would require that a vacancy in the office of the classified employee member be filled by appointment of the Governor without confirmation by the Senate.

(3) This bill would require that the current membership of the board of governors of the California Community Colleges is not to be affected by the addition to the board of a classified employee. The bill would require the Governor to appoint the classified employee member after the first expiration of a term of a general member that occurs after the effective date of the bill.

~~Existing law requires a local educational agency that receives funding pursuant to the federal No Child Left Behind Act of 2001 to ensure that every paraprofessional hired on or after January 8, 2002, has either completed 2 years of study at an institution of higher education, possesses an associate's degree or higher, or after completing a state or local assessment is determined to have knowledge of, and an ability to assist in, instructing reading, writing, and mathematics. Existing law provides that a paraprofessional who was hired on or before January 1, 2003, and who has previously demonstrated knowledge of, and an ability to assist in reading, writing, and mathematics has satisfied the eligibility requirement for a paraprofessional.~~

~~This bill would additionally require a paraprofessional who completes a state or local assessment to demonstrate knowledge of, and an ability to assist in, instructing reading readiness, writing readiness, and mathematics readiness. This bill would provide that a paraprofessional who has previously demonstrated knowledge of, and an ability to assist in, reading readiness, writing readiness, and mathematics readiness has satisfied the requirements for a paraprofessional set forth in the No Child Left Behind Act of 2001.~~

~~This bill would make technical and conforming changes.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 ~~SECTION 1. Section 45330 of the Education Code is~~
- 2 *SECTION 1. Section 71000 of the Education Code is*
- 3 *amended to read:*

1 71000. There is in the state government a Board of Governors  
2 of the California Community Colleges, consisting of 16 voting  
3 members and one nonvoting member, appointed by the Governor,  
4 as follows:

5 (a) ~~Thirteen~~ *Twelve* members, each appointed with the advice  
6 and consent of two-thirds of the membership of the Senate to  
7 six-year staggered terms. Two of these members shall be current  
8 or former elected members of local community college district  
9 governing boards.

10 (b) (1) (A) One voting student member, and one nonvoting  
11 student member, who exercise their duties in accordance with the  
12 procedure set forth in paragraph (3).

13 (B) These students shall be enrolled in a community college  
14 with a minimum of five semester units, or its equivalent, at the time  
15 of the appointment and throughout the period of their terms, or  
16 until a replacement has been named. A student member shall be  
17 enrolled in a community college at least one semester prior to his  
18 or her appointment, and shall meet and maintain the minimum  
19 standards of scholarship prescribed for community college  
20 students.

21 (C) Each student member shall be appointed from a list of  
22 names of at least three persons submitted to the Governor by the  
23 California Student Association of Community Colleges.

24 (2) The term of office of one student member of the board shall  
25 commence on July 1 of an even-numbered year, and expire on  
26 June 30 two years thereafter. The term of office of the other student  
27 member of the board shall commence on July 1 of an  
28 odd-numbered year, and expire on June 30 two years thereafter.  
29 Notwithstanding paragraph (1), a student member who graduates  
30 from his or her college on or after January 1 of the second year of  
31 his or her term of office may serve the remainder of the term.

32 (3) During the first year of a student member's term, a student  
33 member shall be a member of the board and may attend all  
34 meetings of the board and its committees. At these meetings, a  
35 student member may fully participate in discussion and debate, but  
36 may not vote. During the second year of a student member's term,  
37 a student member may exercise the same right to attend meetings  
38 of the board, and its committees, and shall have the same right to  
39 vote as the members appointed pursuant to subdivisions (a) and  
40 (c).

(4) Notwithstanding paragraph (3), if a student member resigns from office or a vacancy is otherwise created in that office during the second year of a student member's term, the remaining student member shall immediately assume the office created by the vacancy and all of the participation privileges of the second-year student member, including the right to vote, for the remainder of that term of office.

(c) Two *voting* tenured faculty members from a community college, who shall be appointed for two-year terms. The Governor shall appoint each faculty member from a list of names of at least three persons furnished by the Academic Senate of the California Community Colleges. Each seat designated as a tenured faculty member seat shall be filled by a tenured faculty member from a community college pursuant to this section and Section 71003.

(d) *One voting classified employee, who shall be appointed by the Governor for a two-year term. The Governor shall appoint the classified employee member from a list of at least three persons furnished by the exclusive representatives of classified employees of the California Community Colleges.*

SEC. 2. *Section 71003 of the Education Code is amended to read:*

71003. (a) Except for the student ~~member and~~ members, the faculty ~~member members, and the classified employee member~~ appointed by the Governor, any vacancy in an appointed position on the board shall be filled by appointment by the Governor, subject to confirmation by two-thirds of the *membership of the* Senate. A vacancy in the office of ~~the a student member or the~~ *office of the*, a faculty member, or the *classified employee member* shall be filled by appointment by the Governor.

(b) The appointee to fill a vacancy shall hold office only for the balance of the unexpired term.

SEC. 3. *The current membership of the Board of Governors of the California Community Colleges shall not be affected by the amendment to Section 71000 of the Education Code made by the act adding this section. The Governor shall appoint the member specified in subdivision (d) of Section 71000 of the Education Code after the first expiration of the term of a member specified in subdivision (a) of Section 71000, other than a member who is a current or former member of a local community college district*

governing board, that occurs after the effective date of the act adding this section.

~~amended to read:~~

~~45330. (a) As used in this section, a paraprofessional means a person who assists a classroom teacher and other certificated personnel in instructing reading, writing, and mathematics. A paraprofessional includes an instructional aide as defined in subdivision (a) of Section 45343 and a teacher aide as described in Section 45360.~~

~~(b) A paraprofessional shall perform only duties that, in the judgement of the certificated personnel to whom the instructional aide is assigned, may be performed by a person not licensed as a classroom teacher. These duties may not include assignment of grades to pupils.~~

~~(c) Pursuant to the federal No Child Left Behind Act of 2001 (20 U.S.C. 6301 et seq.), a local education agency that receives funding from Title I of that act shall ensure that every paraprofessional hired on or after January 8, 2002, who is supported by those Title I funds and who assists in instruction has demonstrated at least one of the following:~~

~~(1) Completion of at least two years of study at an institution of higher education.~~

~~(2) Possession of an associate's degree or higher.~~

~~(3) Through a local or state assessment, that is appropriate to the responsibilities to be assigned to the paraprofessional, knowledge of, and ability to assist in, instructing reading or reading readiness, writing or writing readiness, and mathematics or mathematics readiness.~~

~~(d) Except as provided in subdivision (h), a paraprofessional hired prior to January 8, 2002, who is supported by federal funds from Title I of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) shall meet the requirements of subdivision (c) no later than January 8, 2006.~~

~~(e) A person may not be initially assigned to assist in instruction as a paraprofessional in kindergarten and grades 1 to 12, inclusive, unless the person has demonstrated proficiency in reading, writing, and mathematics skills up to or exceeding that required by the employing district for high school seniors pursuant to subdivisions (a) and (f) of Section 51220 if the employing district educates high school students.~~

~~(f) If the employing district is an elementary school district, the paraprofessional shall demonstrate proficiency in reading, writing, and mathematics skills up to or exceeding that required for high school seniors pursuant to subdivisions (a) and (f) of Section 51220 in the high school district that includes all or the largest portion of the elementary district.~~

~~(g) In establishing the educational qualifications or in developing a proficiency exam, a school district shall align the qualifications and proficiency exams pursuant to paragraph (3) of subdivision (c).~~

~~(h) A paraprofessional who is supported by federal funds from Title I of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) and who meets either of the following conditions is exempt from the requirements described in paragraphs (1) to (3), inclusive, of subdivision (c):~~

~~(1) The paraprofessional is proficient in English and a language other than English and provides services primarily to enhance participation of pupils by acting as a translator.~~

~~(2) The paraprofessional's duties consist solely of conducting parental involvement activities.~~

~~(i) A paraprofessional who was hired on or before January 8, 2002, and who has previously demonstrated, through a local assessment, knowledge of, and an ability to assist in, instructing reading or reading readiness, writing or writing readiness, and mathematics or mathematics readiness, is deemed to have met the proficiency exam requirements of paragraph (3) of subdivision (c).~~

~~(j) A school district may use an existing proficiency assessment or may develop a new proficiency assessment to meet the requirements of paragraph (3) of subdivision (c).~~

~~(k) Pursuant to the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), a local education agency may use a portion of the funds from that act for staff development for paraprofessionals, to the extent that those funds are appropriated in the annual Budget Act for this purpose.~~

~~SEC. 2. Section 45344.5 of the Education Code is amended to read:~~

~~45344.5. (a) A person may not be initially assigned to assist in instruction as an instructional aide, unless the person has~~

1 ~~demonstrated proficiency in basic reading, writing, and~~  
2 ~~mathematics skills.~~

3 ~~(b) A school district may charge prospective aides taking the~~  
4 ~~district's proficiency test a fee to fund the costs incurred by the~~  
5 ~~district in giving the test. This fee may be subject to negotiation~~  
6 ~~between the district and the exclusive representative of~~  
7 ~~instructional aides, but the fee may not exceed seven dollars (\$7).~~

8 ~~(c) An instructional aide who passes a district proficiency test~~  
9 ~~as required by this section, transfers to another district, and is~~  
10 ~~employed in the same capacity shall be considered to have met the~~  
11 ~~proficiency standards for purposes of this section, unless the~~  
12 ~~district to which he or she has transferred determines that the test~~  
13 ~~taken by the aide is not comparable to the standards required by the~~  
14 ~~employing district.~~

15 ~~SEC. 3. Section 45361.5 of the Education Code is amended~~  
16 ~~to read:~~

17 ~~45361.5. (a) A person may not be initially assigned to assist~~  
18 ~~in instruction for work as an aide for instructional purposes in~~  
19 ~~kindergarten and grades 1 to 12, inclusive, unless the person has~~  
20 ~~demonstrated proficiency in basic reading, writing, and~~  
21 ~~mathematics skills.~~

22 ~~(b) As used in this section, "initially assigned" means any~~  
23 ~~assignment, including substitute, temporary, probationary, or~~  
24 ~~permanent employment, to assist in instruction as an aide for~~  
25 ~~instructional purposes.~~

26 ~~(c) A school district may charge a fee to prospective aides~~  
27 ~~taking the district proficiency test pursuant to the requirements of~~  
28 ~~this section to fund the costs incurred by the district in giving the~~  
29 ~~test. This fee may be subject to negotiation between the district and~~  
30 ~~the exclusive representative of instructional aides, but the fee may~~  
31 ~~not exceed seven dollars (\$7).~~

32 ~~(d) The school district governing board, at a public meeting,~~  
33 ~~may grant an exemption from this requirement to any person, for~~  
34 ~~a period of one year, if the person is to be assigned as a~~  
35 ~~bilingual crosscultural aide and the governing board determines~~  
36 ~~that there is no other person available to serve in the same capacity.~~  
37 ~~Upon or prior to the expiration of the one-year period, the~~  
38 ~~bilingual crosscultural aide shall be required to take and pass the~~  
39 ~~basic skills test required by subdivision (c). A~~  
40 ~~bilingual crosscultural aide who has not demonstrated his or her~~

1 ~~basic skills proficiency through these means may not be~~  
2 ~~compensated for work as a bilingual crosscultural aide. A~~  
3 ~~bilingual crosscultural aide may only be granted one exemption~~  
4 ~~from this requirement.~~

5 ~~(e) An aide who passes a district proficiency test as required by~~  
6 ~~this section who transfers to another district and is employed in the~~  
7 ~~same capacity, shall be considered to have met the proficiency~~  
8 ~~standards for purposes of this section, unless the district to which~~  
9 ~~he or she has transferred determines that the test taken by the aide~~  
10 ~~is not comparable to the standards required by the employing~~  
11 ~~district.~~

12 ~~(f) An aide who passes a district proficiency test, as required by~~  
13 ~~this section, and who is reassigned to another school or program~~  
14 ~~in the district and is employed in the same capacity, shall be~~  
15 ~~considered to have met the state basic skills proficiency test~~  
16 ~~requirement.~~

